

PART

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October 5, 2007

JONATHAN D. SIMS

VIA FACSIMILE

United States District Court
Southern District of New York
500 Pearl Street, Room 1310
New York, New York 10007
Attn.: Victor Marrero, U.S.D.J.

Re: Zhao v. City of New York et al.
07CV.3636 (LAK)

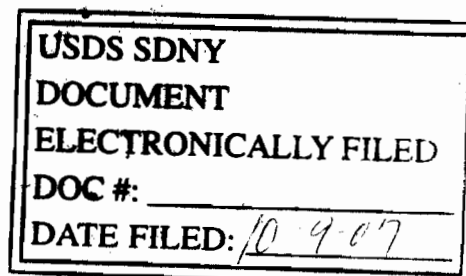
Dear Honorable Judge Marrero:

We represent the plaintiff, Yang Feng Zhao, in the above-referenced matter. On October 2, 2007, the Honorable Lewis A. Kaplan issued the attached order relative to this matter. As part of that order, plaintiff was to "produce the enhanced video tapes to defendants no later than 10/8/07."

On October 3, 2007, we realized that Monday, October 8, 2007 is Columbus Day, a City holiday. Accordingly, we contacted the mail room for the Law Department and were advised that Law Department's building, 100 Church Street, including the mail room, is closed on that day and we would be unable to physically enter the building to make deliveries.

We immediately contacted our adversary, via telephonic messages and e-mail. See attached email correspondence between counsel. The only e-mail we received from our adversary to date addressing this issue was on the afternoon of October 3, 2007, wherein he states he "told [me] that I would determine if there were arrangement that I could offer, which I will do."

Despite this e-mail from counsel, and our subsequent e-mails and telephone messages to him requesting such arrangements, we have not heard from counsel for City. We contacted the chambers of the Honorable Lewis A. Kaplan to make an emergency application regarding this service issue and were advised that Judge Kaplan is unavailable this afternoon and we should contact the Part 1 judge.



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Accordingly, we respectfully request, that since the videotape is not ready at this time to serve the City in final this afternoon, but will be available either late today or this weekend, as our Forensic Video expert is working on same at this time, and since the City Law Department is closed on Monday, October 8, 2007, due to the Columbus Day holiday, that plaintiff be permitted to serve the video materials on the morning of October 9, 2007.

No prior application for this relief has been made by this Office.


Respectfully submitted,

SIEGLE & SIMS L.L.P.



Eric W. Siegle

cc: John H. Graziadei, A.C.C. (Via Facsimile)

<i>Request GRANTED. The time for plaintiff herein to serve on defendants the video materials referred to above is extended to 10-9-07.</i>	
SO ORDERED:	
<i>10-5-07</i>	VICTOR MARRERO, U.S.D.J.
DATE	

Per #1